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U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

Michael Keselica
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Plaintiff - Pro Se
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MICHAEL KESELICA, individually and as)
shareholder of HEALTH MANAGEMENT)
GROUP, INC., a Rhode Island corporation)
and US MEDICAL HOME, INC., a)
Delaware corporation,)

Plaintiffs)

vs.)

C. A. NO. 14-00007-M-PAS

SYED S. NAQVI, individually and as an)
officer of Amroha Engineering, Inc.,)
AMROHA ENGINEERING, INC., a)
California corporation, EJAZ NAQVI,)
individually and as an officer of Alliance)
Home Health Care, Inc., FARHANA)
NAQVI, individually and as an officer of)
Alliance Home Health Care, Inc.,)
ALLIANCE HOME HEALTH CARE, INC.,)
a California corporation.)

Defendants)

**PLAINTIFF'S LEAVE TO WITHDRAW
COMPLAINT WITHOUT PREJUDICE**

Plaintiff Michael Keselica (hereinafter "Plaintiff"), pro se, hereby seeks leave of this Court to withdraw Plaintiff's complaint without prejudice, in the above captioned case and in support thereof states the following:

STATEMENT OF FACTS

1. On January 7, 2014, Plaintiff Michael Keselica, as a shareholder on behalf of Health Management Group, Inc. ("HMG") and US Medical Home, Inc. ("USMH"), filed a shareholder derivative lawsuit against Defendants for, among other torts, breach of the confidentiality agree-

1 ments in place and the resulting damages.

2 2. On March 17, 2014, Defendants filed a Motion to Dismiss Plaintiff's complaint due to
3 improper venue ("Motion to Dismiss").

4 3. On April 3, 2014, Plaintiff responded to Defendants' Motion to Dismiss.

5 4. On April 10, 2014, Defendants' Reply to Plaintiff's Response was filed by Defendants.

6 5. On April 14, 2014, this Court provided Plaintiff Keselica thirty (30) days to secure
7 counsel for USMH and HMG (the "Companies"), as Plaintiff's complaint, as written, bestows
8 representation of USMH and HMG, by Plaintiff Keselica, as a shareholder of these two entities,
9 a fact that this Court will not allow.

10 6. On May 19, 2014, this Court granted Plaintiff an additional week to procure counsel on
11 behalf of USMH and HMG.

12
13 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
14 **WITHDRAWAL WITHOUT PREJUDICE**

15 Plaintiff filed a shareholder derivative to protect the rights of Plaintiff and Health
16 Management Group, Inc. ("HMG") and US Medical Home, Inc. ("USMH") (the "Companies")
17 and to seek redress for damages from the tortious conduct of Defendants against Plaintiff and the
18 Companies. Plaintiff did so, pro se, pursuant to *Wilheim v. Murchison*, 206 F. Supp. 733
19 (S.D.N.Y.)^[1], as the Companies were in revoked status and were without funds to protect
20 themselves and assert their rights in court.

21 Plaintiff respectfully requests leave of this Court to withdraw, without prejudice,
22 Plaintiff's complaint in C.A. No. 13-735-M, as Plaintiff cannot meet this Court's deadline to
23 procure counsel on behalf of HMG and USMH, despite the diligent efforts of Plaintiff Keselica.

24
25 [1] In this case, in the context of "the unique nature of a derivative stockholder action," the court held that a shareholder of a
26 corporation was allowed to bring a shareholder derivative action pro se.

1 Plaintiff was recently referred by Rhode Island Legal Services to the Rhode Island Lawyer
2 Referral Service but Plaintiff has yet been able to secure pro bono counsel. Plaintiff also
3 contacted the ACLU of Rhode Island but has yet to hear back from the ACLU, as to whether or
4 not they will represent Plaintiffs in this matter. Finally, Plaintiff could not afford the assistance of
5 the Law Offices of Peter D'Amico, a law firm identified in Plaintiff's Motion for Extension of
6 Time.

7 Defendants should not be prejudiced by Plaintiff's request to withdraw his complaint, but
8 instead should be relieved, as Plaintiff not only demonstrated that the breaches of confidentiality
9 did in fact occur in the State of Rhode Island but that Defendants lied to this Court regarding
10 their lack of contact with the State of Rhode Island.
11


12 WHEREFORE, in the interest of justice and for good cause shown Plaintiff respectfully
13 requests this Court to Grant Plaintiff's leave to withdraw his complaint without prejudice.
14

15 By: 

16 Michael Keselica
17 Plaintiff - Pro Se

18 **CERTIFICATE OF SERVICE**

19 I HEREBY CERTIFY that on this 22nd day of May, 2014, a copy of the foregoing was
20 mailed postage prepaid first class to Rajaram Suryanarayan, Esquire, Gunning & Lafazia, Inc.,
21 33 College Hill Road, Suite 25B, Warwick, Rhode Island 02886.

22 
23 Michael Keselica, Plaintiff
24 Pro Se
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